

### REMARKS

Claims 1, 2, 4-6, 11-13, 17-19, 21-25, 35-37, 42, and 56-78 are pending, with claims 1, 65, 72 and 77 being independent. Claims 3, 7-10, 14-16, 20, 26-34, 38-41, and 43-55 were previously cancelled. Claims 1, 2, 4-6, 11, 13, 17-19, 22-25, 35-37, 42, 56-65, and 67-76 have been amended, and claims 77 and 78 have been added. No new matter has been introduced.

### Claim Rejections - 35 U.S.C. § 101

#### *Independent Claims 1 and 65*

Claims 1, 2, 4-6, 11-13, 17-19, 21-25, 35-37, 42, and 56-71 have been rejected for allegedly being directed to non-statutory subject matter. Applicant has amended independent claims 1 and 65 to clarify that “at least one processor” is used to perform steps of the claimed methods. In view of the amendments to claims 1 and 65, applicant respectfully requests reconsideration and withdrawal of this rejection of amended independent claims 1 and 65 and their dependent claims.

#### *Independent Claim 72*

Claims 72-76 have been rejected for allegedly being directed to non-statutory subject matter. Applicant has amended claim 72 to clarify that the system includes the structure of “at least one processor coupled to the at least one database” and that the “at least one processor” is “configured” in a manner that enables it to perform the functionality recited in independent claim 72. Thus, amended claim 72 recites structure of the claimed system. Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of this rejection of amended independent claim 72 and its dependent claims.

Claim Rejections - 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph

Claims 1, 2, 4-6, 11-13, 17-19, 21-25, 35-37, 42, and 56-76 have been rejected as allegedly being indefinite. Specifically, the Office Action contends that specified terms in claims 1, 2, 11, 22, 23, 56, and 65-67 are not supported by the specification.

*Claim 1*

Applicant has amended claim 1 to replace “a first information item of a channel” with “a first syndicated content information item for a syndicated feed channel,” as discussed in the application at pages 18 and 19. Independent claim 1 has also been amended to recite a “computer storage device,” which is supported throughout the application, such as, for example, at FIG. 7 and the accompanying text. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 1.

*Claim 2*

Applicant has amended claim 2 to remove “the syndicated format is configured,” which is the language to which the Examiner objected. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 2.

*Claim 11*

Applicant has amended claim 11 to recite “generating the first targeted ad item for the channel of the syndicated feed channel based on the first targeted ad,” as discussed in the application at pages 16 and 17. Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of claim 11.

*Claim 22*

With regard to claim 22, support for “a geographic location to which the channel is provided” can be found throughout the application, such as, for example, at page 14, line 25 to page 15, line 10. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 22.

*Claim 23*

Applicant has amended claim 23 to recite “generating a second targeted ad item for the syndicated feed channel” and “a second syndicated content information item,” and “providing the syndicated feed channel,” as discussed in the application at pages 18 and 19. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 23.

*Claim 56*

Applicant has amended claim 56 to recite “the first syndicated content information item for the syndicated feed channel,” as discussed in the application at pages 18 and 19. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 56.

*Claim 65*

Applicant has amended claim 65 to recite “generating ... a first targeted ad item for the syndicated feed channel” and “providing the syndicated feed channel,” as discussed in the application at pages 16-17. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 65.

*Claim 66*

With regard to claim 66, support for “receiving a first targeted ad including the at least one keyword” can be found throughout the application, such as, for example, at FIG. 9 and the accompanying text. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 66.

*Claim 67*

With regard to claim 67, support for “the syndicated information/ad mixer being different from the user system and the search/content server” can be found throughout the application, such as, for example, at FIG. 1 and the accompanying text. Accordingly, applicant requests reconsideration and withdrawal of this rejection of claim 67.

*Claim 42*

The Office Action contends that claim 42 contains an improper Markush group. Claim 42, as amended, recites “one keyword included in a user request, a user profile information, or geographic location information,” which is proper according to MPEP § 2173.05(h)(II). Accordingly, in view of the amendment to claim 42, applicant requests reconsideration and withdrawal of this rejection of claim 42.

*Claim 62*

The Office Action contends that the specification does not disclose whether the “syndicated content provider system” of claim 62 is a business entity or a machine or apparatus.

Applicant respectfully disagrees. The specification, on page 16, lines 15-22, states that the syndicated content provider system 110 can be a system, such as the system 700. Accordingly, for at least these reasons, applicant requests reconsideration and withdrawal of this rejection of claim 62.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-6, 11-13, 17-19, 23-25, 35-37, 42, and 56-76 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sheth (U.S. Patent No. 6,311,194).

*Independent Claim 1*

The cited portions of Sheth fail to describe or suggest “inserting ... the first targeted ad item adjacent to the first syndicated content information item in the syndicated feed channel, the first targeted ad item being inserted in response to a request for the first syndicated feed channel,” as recited by amended claim 1.

Applicant has amended claim 1 to clarify that a targeted ad item is inserted adjacent to a “syndicated content information item for a syndicated feed channel.” For example, in some implementations, “the targeted ad corresponding to a particular item of the syndicated feed ... is normally inserted immediately before or after the particular corresponding item....” Application at page 18, lines 27-29. Thus, claim 1 requires that the first targeted ad item be inserted at a location of a syndicated feed channel that is adjacent to the first syndicated content information item. Thus, the syndicated feed channel that is provided in response to a request for information includes “the first syndicated content information item and the first targeted ad item” at adjacent locations in the syndicated feed channel.

Sheth discloses "two types of semantic advertising," Sheth at col. 16, lines 5-6. "The first type involves no external database of advertisements," but rather, "[t]he database of advertisements would be completely internal...." Sheth at col. 16, lines 6-10. "The second form of targeted advertising would involve creating an XML string that represents queries that the user performs or individual media assets in which the user has an interest. The XML string could then be sent to an external advertisement provider along with a user's session and profile information. The advertisement provider would process this information and return a URL reference to a semantically targeted advertisement" Sheth at col. 16, lines 37-44. "When users choose to play an audio or video file in a query result, a player for the media as well as an additional Web browser instance is created." Sheth at col. 16, lines 46-49. "If the content provider is sent an XML string similar to the one sent to the ad provider, the content provider is able to tailor the advertisements in their own page (in the new browser instance)." Sheth at col. 16, lines 52-55. However, there is no description or suggestion by the cited portions of Sheth that the semantically targeted advertisement is inserted into a syndicated feed channel.

Because the cited portions of Sheth do not describe or suggest inserting an advertisement into a syndicated feed channel, the cited portions of Sheth cannot possibly describe or suggest "inserting ... the first targeted ad item adjacent to the first syndicated content information item in the syndicated feed channel," as required by claim 1. Thus, the cited portions of Sheth fail to describe or suggest at least one element of amended claim 1. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of amended claim 1 and its dependent claims.

*Independent Claim 65*

For reasons similar to those described above with respect to claim 1, the cited portions of Sheth fail to describe or suggest "inserting ... the first targeted ad item adjacent to the first syndicated content information item in the syndicated feed channel," as recited by amended claim 65. Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of claim 65 and its dependent claims.

*Independent Claim 72*

For reasons similar to those described above with respect to claim 1, the cited portions of Sheth fail to describe or suggest "at least one processor coupled to the at least one database, the at least one processor being configured to ... insert the first targeted ad item adjacent to the first syndicated content information item in the syndicated feed channel," as recited by amended claim 72. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claim 72 and its dependent claims.

*Claims 11-13, 17, 19, and 23-25*

The Office Action rejects claims 11-13, 17, 19, and 23-25 as a group, instead of individually, ignoring the differences in scope and recited features between claims 11-13, 17, 19, and 23-25. Applicant notes that an omnibus rejection, like the rejection of claims 11-13, 17, 19, and 23-25, is disfavored because it fails to provide the applicant with any guidance or a fair opportunity to reply:

An omnibus rejection . . . is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground. A plurality of claims

should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.

MPEP § 707.07(d) (emphasis added); *see also* MPEP § 706.02(j) (“It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”).

Accordingly, for at least the foregoing reasons, applicant submits that the final Office Action is incomplete and fails to establish that Sheth anticipates all of the features of claims 11-13, 17, 19, and 23-25.

If the rejections of claims 11-13, 17, 19, and 23-25 are maintained, applicant requests that any further Office Action clearly articulate the grounds for rejection of claims 11-13, 17, 19, and 23-25 and show how each of the features of claims 11-13, 17, 19, and 23-25 is believed to be met, so that applicant has a “fair opportunity to reply” to the rejection and so that the issues are properly framed for appeal. *See* MPEP § 706.02(j).

*Claims 42, 56, 62-64, 66, and 67*

The Office Action also rejects claims 42, 56, 62-64, 66, and 67 as a group, instead of individually, ignoring the differences in scope and recited features between claims 42, 56, 62-64, 66, and 67. For the reasons discussed above, applicant notes that an omnibus rejection, like the rejection of claims 42, 56, 62-64, 66, and 67, is disfavored. Accordingly, applicant submits that the final Office Action is incomplete and fails to establish that Sheth anticipates the all of the features of claims 42, 56, 62-64, 66, and 67.

In the absence of a withdrawal of the rejection of claims 42, 56, 62-64, 66, and 67 applicant requests that any further Office Action clearly articulate the grounds for rejection of



claims 42, 56, 62-64, 66, and 67 and show how each of the features of claims 42, 56, 62-64, 66, and 67 is believed to be met, so that applicant has a "fair opportunity to reply" to the rejection and so that the issues are properly framed for appeal.

*Claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76*

The Office Action also rejects claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 as a group, instead of individually, ignoring the differences in scope and recited features between claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76. In addition, the Office Action ignores the features of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 as being directed only to non-function descriptive material.

For the reasons discussed above, applicant notes that an omnibus rejection, like the rejection of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76, is disfavored because it fails to provide the applicant with any guidance or a fair opportunity to reply. In addition, applicant notes that all of the features of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 are functionally interrelated to the statutory methods of independent claims 1 and 65, and the system of independent claim 72. Accordingly, for at least the foregoing reasons, applicant submits that the final Office Action is incomplete and fails to establish that Sheth anticipates the all of the features of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76.

In the absence of a withdrawal of the rejection of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 applicant requests that any further Office Action clearly articulate the grounds for rejection of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 and show how each of the features of claims 2, 4-6, 18, 35-37, 57-61, 68-71, and 73-76 is believed to be met, so that applicant has a "fair opportunity to reply" to the rejection and so that the issues are properly framed for appeal.

Claim Rejections - 35 U.S.C. § 103

Claims 21 and 22 have been rejected as being unpatentable over Sheth in view Official Notice. Claims 21 and 22 depend from claim 1 and are therefore allowable for at least the reasons provided with reference to claim 1. Additionally, claims 21 and 22 are allowable because the Office Action fails to provide sound technical and scientific reasoning required for taking official notice where the state of the prior art at the time of invention are not “well known and capable of instant and unquestionable demonstration as being well-known,” as required by MPEP 2144.03.

The Office Action acknowledges that “Sheth does not teach targeting ads by geography.” Instead, the Office Action takes official notice with respect to these limitations by stating that “this was a common means of targeting ads at the time of the instant invention.” However, the Office Action does not provide “specific factual findings predicated on sound technical and scientific reasoning to support [the] conclusion of common knowledge,” as required by MPEP 2144.03 (B). Thus, the applicant was not provided an opportunity to adequately traverse the rejection because the applicant was not “presented with the explicit basis on which the examiner regards the matter as subject to official notice.” Id.

Therefore, to the extent that this rejection is maintained, applicant again traverses the official notice taken and request that an “explicit basis” for the official notice or evidentiary support demonstrating the contention that targeting ads by geography or a link “was a common means of targeting ads at the time of the instant invention,” as asserted in the Office Action.

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 21 and 22.

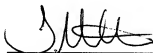
CONCLUSION

The allowability of all of the pending claims has been addressed. The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

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Tracy M. Hitt  
Reg. No. 62,371

Customer No. 26192  
Fish & Richardson P.C.  
1180 Peachtree Street, N.E., 21st Floor  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
Facsimile: (877) 769-7945